



Entered on Docket  
May 19, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fourth Omnibus Objection  
Of USACM Trust To Proofs Of Claim Based  
In Whole or In Part Upon Investment In The  
Oak Shores II Loan**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Oak Shores II Loan ("Oak Shores") [DE 8307] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the  
2 borrower or from the collateral securing the Oak Shores II Loan; and good cause  
3 appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8307] is sustained; and  
6 2. The claims listed on **Exhibit** A attached are disallowed in whole or in part,  
7 to the extent that those claims are based upon an investment in the Oak Shores II Loan.  
8

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker  
13 Robert M. Charles, Jr.  
14 John Hinderaker (*pro hac vice*)  
15 3993 Howard Hughes Parkway, Ste. 600  
16 Las Vegas, Nevada 89169-5996  
Telephone: (702) 949-8320  
Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. \_\_\_\_\_  
Attorneys for USACM Liquidating Trust

# # #

**Oak Shores II (John E. King)  
Multiple Loan Claims**

<b>Claim #</b>	<b>Date Claim Filed</b>	<b>Name</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Oak Shores II (John E. King) Loan</b>	<b>Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment in the Oak Shores II (John E. King) Loan</b>
10725-02411	1/18/2007	Allen M & Dorothy H Nirenstein 1992 REV Trust Dtd 3/4/92 Allen & Dorothy Nirenstein Tees 403 Woodland Rd Kentfield, CA 94904-2635	805,639.26	-	20,066.89	-
10725-02207	1/5/2007	Barcia, Daniel 1600 Picket Ct Reno, NV 89521	225,000.00	50,000.00	-	50,000.00
10725-01445	11/14/2006	Brehmer, Hannah 188 Beacon Hill Dr Ashland, OR 97520	298,569.00	65,000.00	13,043.48	51,956.52
10725-01555	12/6/2006	Castillo, Tito 13390 Parkside Ter Cooper City, FL 33330	423,845.13	73,716.08	-	73,716.08
10725-02215	1/12/2007	Charles B Anderson Trust Janet L Chub, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	185,281.09	32,764.51	32,107.02	657.49
10725-02173	1/12/2007	Cook Jt Ten, Aldon G & Deedra 259 Hammock Terrace Venice, FL 34293-1012	285,580.12	50,000.00	10,033.44	39,966.56
10725-02030	1/11/2007	Daniel D Newman Trust Dtd 11/1/92 C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	85,000.00	17,056.86	67,943.14

**EXHIBIT A**

2349823.1

Oak Shores II (John E. King)  
Multiple Loan Claims

Claim #	Date Claim Filed	Name	Total Claim Amount	Total Claim Amount Relating to Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)	Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan
10725-01416	12/4/2006	Davis, Patrick & Susan IRA 737 Bannerman Lane Fort Mill, SC 29715	75,500.00	17,500.00	-	17,500.00
10725-02382	1/16/2007	Essaff Family Trust Dtd 6/18/02 Robert & Cindy H Essaff Ttees 2860 Heybourne Rd Minden, NV 89423	3,198,368.02	100,000.00	20,066.89	79,933.11
10725-02467	6/1/2007	Foxcroft Living Trust Dtd 1/10/02 Fred J & Roberta Foxcroft Ttees PO Box 362 Carmelian Bay, CA 96140-0362 And Foxcroft Living Trust Dtd 1/10/02 Fred J & Roberta Foxcroft Ttees 6216 Citrine Drive Carlsbad, CA 92009	553,778.99	50,000.00	10,033.44	39,966.56

**EXHIBIT A**

2349823.1